

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Adopted and Filed

Pursuant to the authority of Iowa Code section 17A.3, the Homeland Security and Emergency Management Department hereby amends Chapter 5, “Fair Information Practices,” Iowa Administrative Code.

These amendments implement changes that have been made in Iowa Code chapter 29C that transformed the Homeland Security and Emergency Management Division of the Department of Public Defense to a stand-alone department and to update the physical address of the Department.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2216C** on October 28, 2015. A public hearing was held on November 17, 2015. No public comment was received during the comment period or during the public hearing. These amendments are identical to those published under Notice of Intended Action.

The Department of Homeland Security and Emergency Management adopted these amendments on December 2, 2015.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 29C.

These amendments will become effective January 27, 2016.

The following amendment is adopted.

Amend **605—Chapter 5** as follows:

CHAPTER 5 FAIR INFORMATION PRACTICES

605—5.1(17A) Adoption by reference. The homeland security and emergency management division department hereby adopts the fair information practices segment of the Uniform Rules on Agency Procedure, which are found on the general assembly’s Web site at <https://www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf> and which are printed in the first volume of the Iowa Administrative Code, with the following amendments:

1. In lieu of the words “(official or body issuing these rules)” insert “Homeland Security and Emergency Management Division Department”.

2. In lieu of the words “(insert agency head)” insert “administrator director”.

3. In lieu of the words “(insert agency name and address)” insert “Homeland Security and Emergency Management Division Department, Hoover State Office Building 7900 Hickman Road, Suite 500, Des Moines Windsor Heights, Iowa 50319 50324”.

4. and 5. No change.

6. In lieu of the words “(designate office)” insert the words “Homeland Security and Emergency Management Division Department, Hoover State Office Building 7900 Hickman Road, Suite 500, Des Moines Windsor Heights, Iowa 50319 50324”.

7. and 8. No change.

9. Insert at the end of rule 605—5.7(17A,22) the following new sentence: “For federal records maintained by the homeland security and emergency management division department, a subject will provide a Privacy Act release in accordance with the requirements of Title 5 United States Code, Section 552, in writing, and signed by the subject of the record.”

10. and 11. No change.

12. Insert the following new rule:

605—5.9(17A,22) Federal records. Pursuant to Iowa Code section 22.9, the division department finds that maintenance, use, or disclosure of federal records described in this rule, except as allowed by federal law and regulation, would result in denial of United States government funds, services and essential

information that would otherwise definitely be available and that have been available to the ~~division~~ department in the past. The ~~division~~ department has authority to enter into agreements and contracts to obtain funds pursuant to Iowa Code chapter 29C. The ~~division~~ department makes such agreements and contracts with the Federal Emergency Management Agency (FEMA) under the authority of Public Law 93-288 (the Robert T. Stafford Disaster Relief and Emergency Assistance Act) and an Emergency Management Performance Grant Agreement which specify categories of records and information that must be kept confidential. In addition, 44 CFR 5.71 specifies categories of records that are exempt from disclosure under 5 U.S.C. 552. These records include those containing personally identifiable information concerning applicants to individual assistance and mitigation assistance programs that are administered by the state under a presidentially declared disaster. Nuclear Regulatory Commission Title 10 CFR 73.21 relates to the physical protection of nuclear power plants and materials. This regulation requires that certain information contained in plans and documents on file with the ~~division~~ department be kept confidential and include information concerning the physical protection at fixed sites; physical protection in transit; inspections, audits and evaluations; and correspondence insofar as it contains safeguards information.

[Filed 12/2/15, effective 1/27/16]

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